

achieving its intended result or change the principle of operation. The proposed modification to the *Okada, et al.* reference would do both.

The *Okada, et al.* reference requires that the clutch mechanism 54 be used to engage the shaft 52 with the second perpendicular shaft 53 when the sheave 6 rotates in the forward direction. The clutch mechanism disengages the shaft 52 when the sheave 6 rotates in an opposite direction. (Column 7, lines 8-13). This means that the clutch mechanism 54 is used to control the descending speed of the car 44 and the fly ball speed governing mechanism 10 is disabled when the elevator car ascends. (Column 8, lines 41-44 and 58-59).

It follows that the speed control mechanism of the *Okada, et al.* reference has to be used during the descent of an elevator car during normal operation. If one were to attempt to modify the teachings of that reference to make them consistent with Applicant's claimed invention, that would interfere with the ability to achieve the result of speed control during descent of a car during normal operation and would change the principle of operation of the teachings of the *Okada, et al.* reference. Therefore, the proposed modification cannot be made and there is no *prima facie* case of obviousness.

Further, the arrangement in the *Okada, et al.* reference is not set up to activate the switch responsive to a rotating member rotating at a speed beyond a selected limit that corresponds to movement of an elevator car at a speed below a desired speed during normal elevator system operation. The switch 17 is activated at a speed that is considered a maximum desired speed during normal elevator system operation. There is no indication that it is below a desired speed that is used during normal elevator system operation. Therefore, there is another reason why the proposed modification using the *Angst* reference cannot be made, as it would interfere with another intended feature of the *Okada, et al.* reference.

Further, Applicant respectfully submits that the Examiner's interpretation of the *Fried, et al.* reference is not consistent with the teachings of that reference. In paragraph 8 on page 3 of the Office Action, the Examiner contends that "*Fried* discloses a handheld remote control arrangement for selectively initiating an inspection mode of an elevator and permitting slow speed operation of the elevator in inspection mode." What *Fried, et al.* actually teaches is that the transmitter or remote control has an up or down button for causing an elevator car to move up or down. Setting or initiating the inspection mode is accomplished in the *Fried, et al.* reference "by operating a key switch on the COP." The reference actually teaches using a manual key switch on the car operating panel (COP) to remove the car from normal service so that inspection mode can be used. Therefore, the *Fried, et al.* reference does not disclose anything that would lead to a modification of the *Okada, et al.* reference in a manner consistent with how the Examiner proposes to change the teachings of that reference such that there is no *prima facie* case of obviousness.

Additionally, the *Fried, et al.* reference has nothing to do with controlling an elevator governor or speed limiting device. Instead, the transmitter of the *Fried, et al.* reference has up or down buttons that allow a service technician to move an elevator car up or down when it is already in an inspection mode. Adding control buttons to move a car up or down to the *Okada, et al.* reference would not in any way facilitate activating the switch 17. Therefore, even if the proposed combination could be made, there is no *prima facie* case of obviousness because the combination does not provide a result consistent with the Examiner's suggestion.

Additionally, Applicant respectfully submits that the analysis of claim 24 in the Office Action is incorrect. The Examiner in paragraph 10 on page 4 suggests that the *Okada, et al.* reference discloses that a brake 215 is responsive to the switch 211. That is incorrect. The

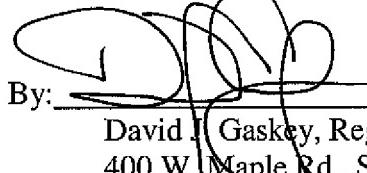
switch 211 turns off the motor and has nothing to do with operating the brake 215. The *Okada, et al.* reference teaches an arrangement where the brake operation is independent of and distinct from the operation of the switch 211. Therefore, there is an additional reason why there is no *prima facie* case of obviousness against claim 24.

With respect to claim 37, it is not possible to interpret the *Okada, et al.* reference as having a moving member contacting a switch during normal elevator system operation with the switch not being powered. When it is desired to not have activation of the switch in the *Okada, et al.* reference, the clutch disengages the shaft to prevent the mechanism from operating in a manner that would operate the switch. There is no teaching for having contact with the switch while the switch is not powered during normal elevator system operation. The *Angst and Fried, et al.* references do not provide such a teaching, either. Therefore, there is an additional reason why there is no *prima facie* case of obviousness against claim 37.

Applicant respectfully submits that all claims are allowable.

Respectfully submitted,

CARLSON, GASKEY & OLDS


By: _____

David J. Gaskey, Reg. No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: June 2, 2009

N:\Clients\OTIS ELEVATOR\IP00103 PUS1\PATENT\Response 5-09.doc